

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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ESTER LELCHOOK, *et al.*,

Plaintiff,

-against-

THE ISLAMIC REPUBLIC OF IRAN, *et al.*,

Defendants.

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Docket No:  
1:15-CV-13715(PBS)(jgd)

**DECLARATION OF ROBERT J. TOLCHIN**

**ROBERT J. TOLCHIN**, pursuant to 28 U.S.C. § 1746, declares the following statements to be true, subject to the penalties for perjury of the United States of America:

1. I am an attorney licensed to practice law before the courts of the States of New York and New Jersey, and am admitted to practice before this Court in this case *pro hac vice*. I am counsel to The Berkman Law Office, LLC, 111 Livingston Street, Suite 1928, Brooklyn, New York 11201, counsel for the plaintiffs in this matter, and I submit this declaration in opposition to Defendant Bank Saderat PLC's motion to dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(2).

2. Attached hereto as Exhibit A is a true and correct copy of the Justice Against Sponsors of Terrorism Act ("JASTA"), available at <https://www.congress.gov/114/bills/s2040/BILLS-114s2040enr.pdf>.

3. Attached hereto as Exhibit B is a true and correct copy of Frey, Jeremy, *Will JASTA Yield More Lawsuits Over Terror*, The National Law Journal, Oct. 3, 2016, available at <http://www.nationallawjournal.com/prINTERfriendly/id=1202769046326>.

4. Attached hereto as Exhibit C is a true and correct copy of the Sept. 28, 2006 Congressional testimony of Frank C. Urbancic, Principal Deputy Coordinator for Counterterrorism at the Department of State, available at <https://2001-2009.state.gov/s/ct/rls/rm/2006/73352.htm>.

5. Attached hereto as Exhibit D is a true and correct copy of the proposed amended complaint filed on July 10, 2016 in *Freeman, et al. v. HSBC Holdings Plc*, et al., No. 14-CV-6601 (DLI)(CLP).

6. Attached hereto as Exhibit E is a true and correct copy of the January 9, 2009 deferred prosecution agreement for Lloyds TSB Bank Plc, available at <http://www.gibsondunn.com/publications/Documents/LloydsTSB-DeferredProsecutionAgmt010909.pdf>.

7. Attached hereto as Exhibit F is a true and correct copy of the December 16, 2009 OFAC Settlement Agreement for Credit Suisse AG, available at <https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Documents/12162009.pdf>.

8. Attached hereto as Exhibit G is a true and correct copy of the deferred prosecution agreement for Credit Suisse AG available at <http://www.stepto.com/publications/Credit%20Suisse%20settlement%20re%20sanctions%20violations%20-%20NY%20County%20DA%20Agr,%20Dec%2016,%202009.pdf>.

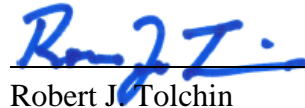
9. Attached hereto as Exhibit H is a true and correct copy of the March 11, 2015 deferred prosecution agreement for Commerzbank AG available at [https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/12/commerzbank\\_deferred\\_prosecution\\_agreement\\_1.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/12/commerzbank_deferred_prosecution_agreement_1.pdf).

10. Attached hereto as Exhibit I is a true and correct copy of the December 12, 2012 deferred prosecution agreement for Standard Chartered Bank, available at [http://www.stepto.com/assets/htmldocuments/1.%20114-1-Standard-Chartered-Bank-DPA\(2\).pdf](http://www.stepto.com/assets/htmldocuments/1.%20114-1-Standard-Chartered-Bank-DPA(2).pdf).

11. Attached hereto as Exhibit J is a true and correct copy of the State Department's webpage on Foreign Terrorist Organizations, available at <http://www.state.gov/j/ct/rls/other/des/123085.htm>.

12. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

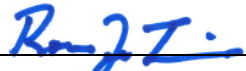
Dated: Brooklyn, New York  
October 7, 2016

  
Robert J. Tolchin

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date indicated below a true copy of the foregoing was served via ECF on all counsel of record herein:

Dated: Brooklyn, New York  
October 7, 2016

  
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Robert J. Tolchin